IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

O R D E R

S.B.CRIMINAL MISC. PETITION NO. 429/2006
(Jitendra Kumar Vs. Smt. Chandralata & Anr.)

Date of Order : 17/10/2006

PRESENT

HON'BLE MR. JUSTICE H.R.PANWAR

Mr. Rakesh Arora for the petitioner.
Mr. I.R.Choudhary for the non-petitioners.

BY THE COURT:-

This criminal misc. petition under Section 482 Cr.P.C. is directed against the order dated 20.1.2006 passed by learned Sessions Judge, Balotra (for short 'the revisional court' hereinafter) whereby the revision petition filed by the petitioner against the order dated 8.7.2005 passed by Additional Chief Judicial Magistrate, Balotra (for short 'the trial court' hereinafter) was dismissed.

I have heard learned counsel for the parties. Carefully gone through the orders passed by both the courts below.

On an application filed by non-petitioners under Section 125 Cr.P.C., during pendency of the application, the trial

court granted monthly allowance of interim maintenance @ Rs.500/- in favour of non-petitioner No.1 wife of the petitioner and @ Rs. 1000/- in favour of non-petitioner No.2 minor son of present petitioner.

It is contended by learned counsel for the petitioner that the petitioner is prepared to keep the non-petitioners and maintain them. Learned counsel further contended that the petitioner has no source of income and therefore, he is unable to pay the monthly allowance of interim maintenance granted by the trial court and affirmed by the revisional court.

Learned counsel appearing for the non-petitioners submits that the petitioner appeared as NAW-1 in the Court of District Judge, Balotra, in a case where the petitioner sought custody of the minor child and in that proceeding, he made a statement on oath before the District Judge, Balotra in Case No.119/99 on 30.7.2005 that he is earning a sum of Rs. 10,000/- to 15,000/- per month by running STD, PCO and T.V. Cable business.

Be that as it may, the interim maintenance is awarded on the pleadings of the parties and parties are yet to lead evidence. The monthly allowance of interim maintenance granted by the trial court and affirmed by the revisional court, in any manner, cannot be said to be excessive.

The petition has no force and it is, therefore,

dismissed. The trial court is directed to decide the main application filed by the non-petitioners under Section 125 Cr.P.C. utmost expeditiously.

(H.R.PANWAR),J.

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